



MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Upper Blackfoot Mining Complex

4 May 2006

David Bowers



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Upper Blackfoot Mining Complex (UBMC)

Historical Overview

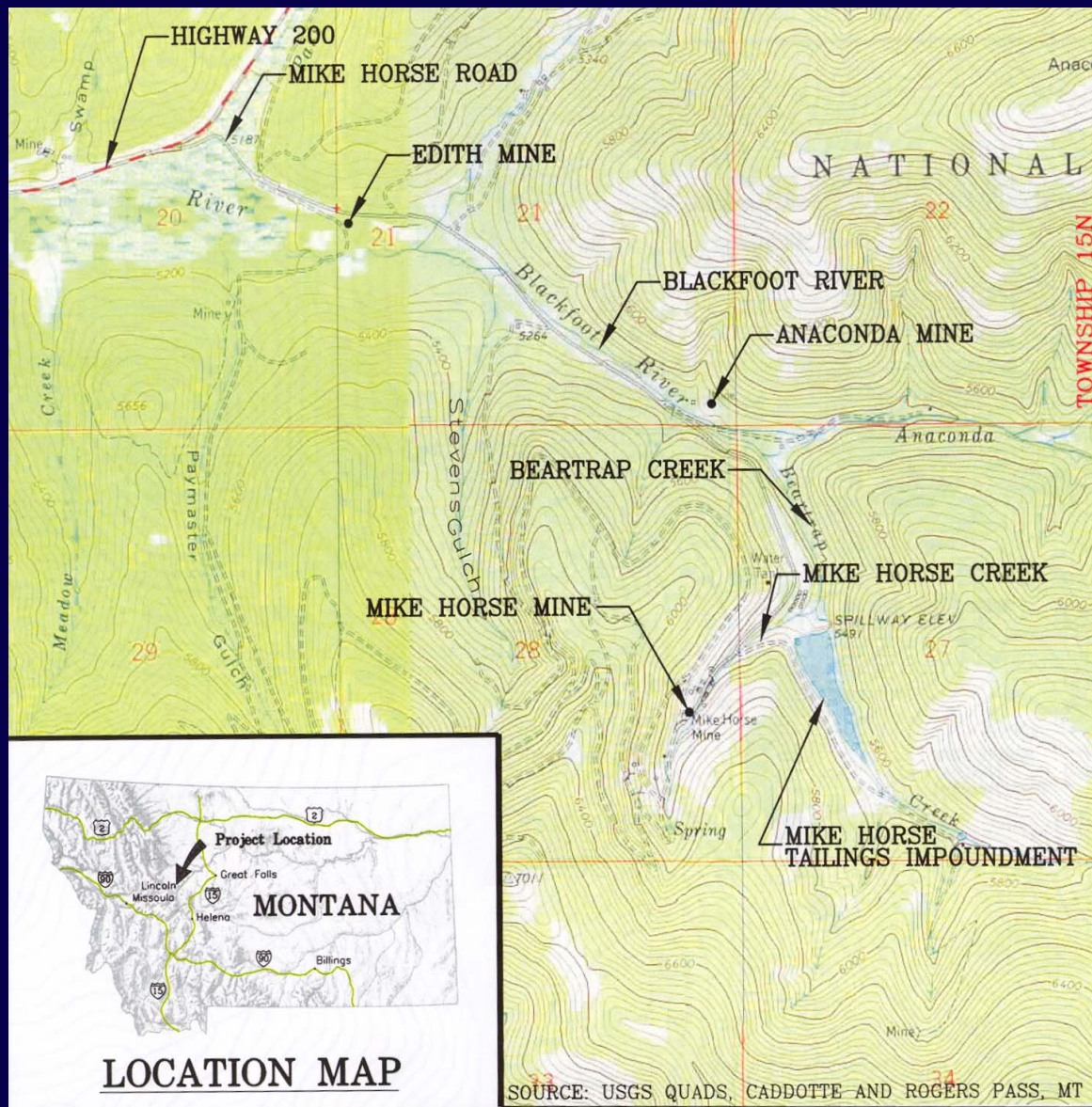
Agency Involvement

Current Activities

Areas of Concern

Questions

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Historical Overview

Early Regulatory History

- 1991 – Under legislative action, the regulatory authority for the UBMC was transferred from the Department of State Lands to the Montana Department of Health and Environmental Sciences (MDHES)
- 1992 – MDHES noticed Asarco and Arco as potentially liable persons
- 1993 – With agreement from the Director of MDHES, Asarco and Arco began a five-year voluntary interim remedial action program at the UBMC
- 2000 – After a petition by Asarco, temporary water quality standards for the UBMC were implemented

Historical Overview

1993-1998 – Voluntary Interim Remedial Actions

- Attempted to address critical sources of contamination related to the various mines in the UBMC
- Conducted without DEQ approval

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Current Agency Involvement - State

DEQ

- Comprehensive Environmental Cleanup and Responsibility Act (CECRA) Program
- Water Quality Protection – Temporary Water Quality Standards
- Permitting and Compliance – Montana Pollution Discharge Elimination System (MPDES) permits
- Planning and Prevention – Total Maximum Daily Loads (TMDL)
- Legal Unit

Current Agency Involvement - Federal

United States Forest Service (USFS)

- Administrative Order on Consent (AOC) with Asarco to develop an Engineering Evaluation/Cost Analysis (EE/CA) for the Mike Horse dam and USFS land containing mine waste at the UBMC

Department of Justice (DOJ)/Environmental Protection Agency (EPA)

- Asarco Trust Fund – determine annual funding allocations for various sites across the US

Current Activities

Temporary Water Quality Standards

- Asarco petitioned the Board of Environmental Review (Board) in 1999 to adopt temporary standards for:
 - A portion of Mike Horse Creek
 - A portion of Beartrap Creek
 - A portion of the Blackfoot River
- The Board adopted the temporary standards for the UBMC in 2000 the implementation plan,
- UBMC Temporary Standards currently run through 2008

Current Activities

Temporary Water Quality Standards Implementation Plan (IP)

- Actions Initiated or Completed
 - Initial delineation and mapping of floodplain mine waste
 - Removal of mine waste piles at the upper Mike Horse
 - Annual water treatment system operation, maintenance, and enhancement
 - Annual work plans and monitoring reports
- Work performed under the IP is currently funded by the Asarco Trust and Asarco corporate funds

Areas of Concern

Temporary Standards Implementation Plan

No one event is the cause for the slow progress and schedule deficiencies

- Concurrent actions have complicated the execution of the Implementation Plan (IP)
- Asarco's recent corporate history has impacted the IP
- Limited funding (Trust Fund) has impacted the IP

Areas of Concern

Specific Issues regarding the IP Schedule

- Inability to meet required deadlines for annual data summary reports and annual work plans
- Numerous removal and reclamation activities have not been completed according to the IP schedule
 - Lower Mike Horse Creek (2003), Beartrap Creek (2004), Flosse and Louise (2004), Upper Blackfoot River drainage (2005), Stevens Gulch (2006)
- Unlikely that cleanups targeted for USFS land can be completed under the Temporary Standards framework

Areas of Concern

Mike Horse Dam Stability

- USFS Dam Stability Report recommends removing the dam from operation
 - Emergency Action Plan has been developed for the interim
 - EE/CA for the dam and tailings impoundment is scheduled for completion in August 2006



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Board of Environmental Review Options

Option 1: No Action – Keep Present Plan and Schedule

– Possible outcomes include:

- Temporary standards will expire 31 May 2008
- Unknown amount of work will be completed
- Treatment system discharge permit must be revised to meet DEQ-7 standards after 2008
- Federal and State Super Fund activities continue at own pace, including Mike Horse Dam removal/reclamation



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Board of Environmental Review Options

Option 2: Modify the Plan and Schedule

– Possible outcomes include:

- Revision of implementation plan and schedule would likely only include Asarco owned lands
- Renewal of the treatment system discharge permit will require minimal modification
- Federal and State Super Fund activities continue at own pace, including Mike Horse Dam removal/reclamation

Board of Environmental Review Proposal

Option 3: Initiate Rulemaking to Rescind ARM §17.30.630(2)

– Possible outcomes include:

- Reissue treatment system discharge permit to meet DEQ-7 standards (B-1 Classification)
- Federal and State Super Fund activities continue at own pace, including Mike Horse Dam removal/reclamation



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Questions?

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Site Response Section

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